



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/345,223	06/30/1999	DEAN J. BLACKKETTER	14531.82.2	9972

22913 7590 05/09/2003

WORKMAN NYDEGGER & SEELEY  
1000 EAGLE GATE TOWER  
60 EAST SOUTH TEMPLE  
SALT LAKE CITY, UT 84111

EXAMINER

BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 05/09/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

12

# Office Action Summary

Application No.

09/345,223

Applicant(s)

BLACKKETTER ET AL.

Examiner

Reuben M. Brown

Art Unit

2611



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6, 8. 6) ☐ Other: .

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Filepp, (U.S. Pat # 5,796,967), in view of Hendricks, (U.S. Pat # 5,798,785).

Considering claim 1, the claimed method comprising storing in a receiver, an advertisement template identified by a first resource identifier reads on the operation of Filepp, which discusses partitioned objects are received in a reception system RS 400, (col. 5, lines 51-65; col. 6, lines 17-65). Applications and advertisements are transmitted to the reception systems, RS 400 by being partitioned into objects, and displayed in one or more screens, such that the screens are called pages and represented by its parts, described in a page template. In Filepp objects are used to package presentation data and program instructions required to support applications and advertisements presented at RS 400, (col. 8, lines 1-10).

Art Unit: 2611

Each application/advertisement in Filepp contains a resource identifier, which reads on identification of the instant application/advertisement. Specifically, in column 13, Filepp discloses that the objects include a header segment 551, which contains information that identifies the instant object, including the set of objects to which the instant object belongs and thereby the corresponding advertisement, also see col. 14, lines 25-67 thru col. 15, lines 1-2.

As for the additional feature of monitoring a data service channel of a broadcast signal for an advertisement summary, wherein the summary includes a second resource identifier and custom advertisement information, Filepp teaches that additional application/advertisement information, i.e. may be transmitted to a data terminal from a source and utilized in the display. The objects are linked by object identifiers and are enabled to request new objects that may or may not be a part of the same application; see col. 6, lines 15-46. Filepp also teaches that broadcast media may be used to transmit data, but does not discuss the use of a data service channel.

However, Hendricks teaches transmitting data to a subscriber along with video data or using a dedicated channel, both of which read on the claimed data service channel; see col. 13, lines 20-34. It would have been obvious for one of ordinary skill in the art at the time invention was made, to modify Filepp, with the teachings of Hendricks, using a data service channel, at least for the desirable advantage of keep the primary video signals and the data signals separate.

Considering claim 2, Hendricks teaches displaying promotional videos, which read on custom advertisement.

Considering claim 3, the promotional video in Hendricks may be transmitted from a resource channel other than the menu templates, col. 13, lines 21-26 & col. 19, lines 1-6.

Considering claim 4, local resource identifiers read on Filepp, col. 6, lines 24-46.

Considering claim 5, the claimed method of broadcasting interactive advertisement content for display on a plurality of remote receivers, corresponds with subject mentioned in the above rejection of claim 1, and is likewise analyzed.

Considering claim 6, the video promos of Hendricks may be broadcast to whichever set top terminal is identified at the headend, as requiring the data.

Considering claim 7 & 9, Official Notice is taken that at the time the invention was made, the use of closed caption & VBI technology was well known in the art. It would have been obvious for one of ordinary skill in the art at the time invention was made, to modify Filepp, with the well-known VBI technology at least for the desirable benefit of more efficiently using the existing TV bandwidth.

Considering claims 8 & 10, see Hnedicks col. 5, lines 25-30; col. 7, lines 19-25 & col. 8, lines 25-35. Official Notice is taken that at the time the invention as made, PAL, DVB, HDTV & ATSC distribution was well-known in the TV art. It would have been obvious for one of

Art Unit: 2611

ordinary skill in the art at the time invention was made, to modify operate Filepp & Hendricks in a manner wherein PAL, DVB, HDTV or ATSC technology is used, at least fro the desirable benefit of reaching a wider range of TV audiences.

Considering claim 11, Filepp uses CRC technology, col. 24, lines 44-48.

Considering claims 12-13, the claimed machine readable medium having instructions stored therein, which execute the method of broadcasting interactive advertisement content for display on a plurality of remote receivers, corresponds with subject matter mentioned with respect to claim 1, and is likewise analyzed.

Considering claim 14, the claimed system comprising elements which corresponds with subject matter mentioned above with respect to claims 1 & 7, are likewise rejected.

Considering claim 15, see Filepp col. 12, lines 35-55 & col. 33, lines 8-22.

Considering claim 16, Official Notice is taken that linking data to resources using hyperlinks was well-known in the art, at the time the invention was made. It would have been obvious for one of ordinary skill in the art at the time invention was made, to modify the combination of Filepp& Hendricks, with hyperlink technology at least for the improvement of enabling user interaction with the Internet.

Art Unit: 2611

Considering claims 17-18, see Filepp col. 28, lines 46-67 & col. 29, lines 42-60.

Considering claim 19, in Hendricks the program control signals, which carry updated customized display information defines various aspects of a display.

Considering claim 20, Filepp teaches that object contain information that define if they are displayed due to user interaction or information transmitted from the server; see col. 8, lines 9-24.

Considering claims 21-22, the claimed elements of system correspond with subject mentioned above in the rejection of claim 1, are likewise analyzed. As for the additionally claimed feature of the combined data being greater than the product of the available bandwidth and the specified duration of the corresponding program, Filepp teaches that storing templates locally reduces the time required to display a page by avoiding retrieving the data from the server, which conserves bandwidth; see col. 6, lines 27-34; col. 6, line 67 thru col. 7, lines 1-2. Official Notice is taken that at the time the invention was made, it was known in the art that certain graphic data may exceed a predetermined bandwidth over a predetermined period of time. It would have been obvious for one of ordinary skill in the art at the time invention was made, to operate the combination of Filepp & Hendricks, in a manner wherein the combining of the template and downloaded additional data exceeds a certain bandwidth, for the desirable purpose of more efficiently using available bandwidth.

Art Unit: 2611

Considering claim 23, both Filepp & Hendricks are directed to commercial advertisements.

*Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Gerace Provides advertisements to subscribers, based upon profile.

B) Zigmond Teaches automatically displaying content at subscriber premise based upon several factors.

C) Alexander Teaches storing advertisement template at a subscriber premise, uses VBI technology & includes an Internet mode; col. 8, lines 18-55.

D) Kamen Teaches use of templates for cost effective linking of video.



Art Unit: 2611

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

**Or:**

(703) 872-9314 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")


*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Reuben M. Brown whose telephone number is (703) 305-2399.  
The examiner can normally be reached on M-F (8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone numbers for the  
organization where this application or proceeding is assigned is (703) 872-9314 for regular  
communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the receptionist whose telephone number is (703) 305-4700.

Reuben M. Brown

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600